New Brunswick Women's Council | Conseil des femmes du Nouveau-Brunswick

Strengthening protections for foreign workers

Submission to the Department of Post-Secondary Education, Training and Labour

About the New Brunswick Women's Council

The New Brunswick Women's Council is an independent advisory body for study and consultation on matters of importance, interest, and concern to women and their substantive equality. Its objectives are:

a) to be an independent body that provides advice to the Minister on matters of importance to women and their substantive equality;

b) to bring to the attention of government and the public issues of interest and concern to women and their substantive equality;

c) to include and engage women of diverse identities, experiences and communities, women's groups and society in general;

d) to be strategic and provide advice on emerging and future issues; and

e) to represent New Brunswick women.

In delivering on these objectives, the Council may conduct or commission research and publish reports, studies, and recommendations. The Council is directed by an appointed volunteer membership that includes both organizations and individuals. The work is executed by a small staff team.

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About this submission

The Council welcomes the opportunity to provide input on proposed changes[1] to the *Employment Standards Act* to strengthen protections for foreign workers. This submission aims to help ensure that the vulnerabilities and experiences of foreign workers in New Brunswick who are women and/or belong to gender minorities are accounted for in any updates to the Act.

Foreign workers in New Brunswick

Foreign workers enter New Brunswick through a variety of programs.[2] These include the Temporary Foreign Worker Program (TFWP), the International Mobility Program (IMP), and other pathways such as spousal sponsorship. Most foreign workers in Canada enter through the TFWP and the IMP.

The TFWP enables Canadian employers to hire workers from other countries to fill labour shortages in positions that are predominantly low-wage across the agricultural, food processing, care, and domestic service sectors.[3] The IMP also provides various work programs through which foreign workers can be granted work permits, including programs that allow people to work while studying at a Canadian university or college, apprenticing in a trade, or following graduation. In keeping with government's current consultation, this submission focuses predominantly on workers with the TFWP.

The TFWP issues permits through six streams: the agricultural stream, the low-wage stream, the high-wage stream, the caregiver stream, the global talent stream, and the academic stream. National data sets suggest that the TFWP has historically been gendered by stream. Research by the Canadian Women's Foundation based on 2019 data shows the caregiver stream being approximately 95 per cent female workers and fewer than 5 per cent of agricultural stream permits being held by female workers.[4]

Data from Immigration, Refugees and Citizenship Canada on the TFWP disaggregates permit holders by occupational skill level: higher-skilled, lower-skilled, other occupations, and skill level not stated. Higher-skilled workers are generally granted work permits through the high-wage stream or the global talent stream. Lower-skilled workers are generally granted work permits through the other streams.

Nationally, 33 185 female workers held TFWP work permits that became effective in 2025 compared to 133 505 males. Of those female workers, 52 per cent held permits under the higher-skilled stream and 47 per cent under the lower-skilled stream (30 individual women workers were under other occupations).[5]

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[1] Department of Post-Secondary Education, Training and Labour, *Strengthening Protections for Foreign Workers: Consultation Paper* (Government of New Brunswick, 2026).

[2] StatsCan Plus, "Temporary foreign workers, explained."

[3] Amnesty International, *Canada Has Destroyed Me: Labour Exploitation of Migrant Workers in Canada* (January, 2025), p. 7.

[4] Canadian Women's Foundation, *Women and gender-diverse migrant works in rural Canada* (n.d.).

[5] IRCC Monthly Update. Canada - Temporary Foreign Worker Program with permit holders by gender, occupational skill level and year in which permit(s) became effective (January 2015 – March 2026).

Of the 2 420 individuals for whom permits under the TWFP became effective in New Brunswick during the first four months of 2026, 5 were under the live-in caregiver stream, 210 were agricultural workers, and 2 205 were in other streams.[6]

Vulnerability, structural disadvantage, and power imbalance

Most temporary foreign workers who enter Canada do so from a position of structural disadvantage. Their precarious immigration status combined with marginalized social positioning creates conditions marked by power imbalances and unequal access to rights and protections.

Research consistently documents that foreign workers in Canada often experience exploitative and otherwise harmful practices during recruitment and in the workplace.[7] Evidence gathered both nationally and in New Brunswick specifically reveals that workers employed under the TFWP experience psychological, physical, financial, and sexual harm in the workplace.[8]

Documentation is available on Temporary Foreign Agricultural Workers' experiences of "safety hazards, unsafe work conditions, heightened physical strain, workplace discrimination and harassment, and the denial of rights (including limited access to health, social and legal services)."[9] A 2023 study of New Brunswick's seafood processing sector documents sexualized harassment experienced by workers, as well as unsuitable and crowded employer-provided housing, and precarious working conditions.[10] The seafood processing sector in New Brunswick largely operates in rural and remote communities, which can exacerbate challenges that foreign workers face in accessing support, services, and safety networks.

Foreign workers' vulnerability is further shaped by intersecting factors, including sex, gender, age, race, nationality, language, and socio-economic status. This makes Gender-Based Analysis Plus (GBA+) critical for work on this issue.

[6] IRCC Monthly Update. Canada – Temporary Foreign Worker Program work permit holders by province/territory of intended destination, program and year in which permit(s) became effective (January 2015 – March 2026).

[7] Fay Faraday, "Profiting from the Precarious: How recruitment practices exploit migrant workers" (Toronto: Metcalf Foundation, 2014).

[8] Amnesty International, *Canada Has Destroyed Me: Labour Exploitation of Migrant Workers in Canada*.

R. Bejan, K. Allain, T. Glynn, P. Soto Flores, Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick (TFW Maritimes, 2023).

[9] Silvia Sarapura, "Invisible and precarious: A scoping review of gender-based violence in agricultural streams of Canada's Temporary Foreign Worker Program" (University of Guelph, School of Environmental Design and Rural Development, June 2023), p. 5.

[10] R. Bejan, K. Allain, T. Glynn, P. Soto Flores*, Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick.*

In a 2025 report, Amnesty International documented specific forms of racialized gender-based violence experienced by women foreign workers in Canada across multiple sectors. These workers faced sexual harassment, surveillance, and control as recurring features of their employment.[11]

Research published in 2025 by Western University's Centre for Research & Education on Violence Against Women & Children describes how low pay, physical isolation, and live-in arrangements create conditions of heightened risk for workplace harassment and gender-based violence for women foreign workers.[12]

A 2023 scoping review of 62 sources related to gender-based violence and TFWP permit holders in the agricultural stream found that females workers in this setting experience multiple forms of exploitation, including sexual harassment, assault, and other forms of gender-based violence.[13]

Employer-Tied Work Permits

Advocates for foreign workers' rights have noted a pattern common among Canadian authorities of acknowledging the abuses workers face while attributing them to individual employers rather than to the system itself.[14] In reality, the system enables abuse through features like employer-tied or employer-specific work permits.

The employer-tied permit is at the heart of what Amnesty International describes as a policy "designed, regulated, and implemented [...] in such a way as to inherently increase racialized workers' risk of labour exploitation and other abuses, creating discriminatory outcomes in violation of Canada's international human rights obligations."[15]

While policies and regulations vary across federal and provincial legislation, in general an employer-tied work permit restricts foreign workers to working for a single, specific employer in Canada. Workers cannot find a new employer without an extensive process that includes applying for and receiving a new employer-specific work permit.

[11] Amnesty International, *Canada Has Destroyed Me: Labour Exploitation of Migrant Workers in Canada*, pp. 41-42.

[12] Cyndirela Chadambuka "Policies to support migrant women experiencing gender-based violence: Gaps and opportunities", (*Learning Network Backgrounder.* London, ON: Centre for Research & Education on Violence Against Women & Children, 2025).

[13] Silvia Sarapura, "Invisible and precarious: A scoping review of gender-based violence in agricultural streams of Canada's Temporary Foreign Worker Program," p. 6.

[14] Amnesty International, *Canada Has Destroyed Me: Labour Exploitation of Migrant Workers in Canada*, p. 9.

[15] Ibid., p. 7.

This arrangement places extraordinary power in employers' hands, not only over labour conditions but also over workers' immigration status. In this context, workers experiencing exploitation and other forms of harm and abuse are often unlikely to make a complaint for fear of deportation or other consequences.[16]

The employer-tied permit framework is a matter of federal jurisdiction and its reform is beyond the scope of this consultation. This, however, does not diminish New Brunswick's responsibility to act within its authority. Provincial governments must do everything within their power to mitigate the harms that are enabled by the power imbalance that is inherit in the TFWP system as it is currently constructed. While the proposed changes will not resolve the employer-tied permit problem, meaningful employer screening, licensed and accountable recruitment, and transparent public registries represent meaningful provincial action.

Proposed changes to the *Employment Standards Act*

Recruiter licensing

Research has documented recruitment agents in Canada making misleading promises about job type and conditions, engaging in debt bondage, and in some cases sexually exploiting women during the recruitment process.[17]

New Brunswick's *Employment Standards Act* has provisions related to the recruitment of foreign workers. These include: not misleading foreign workers about employment terms or about their rights and responsibilities; not taking or keeping a worker's personal belongings, such as passports or work permits; and not threatening workers with deportation or other actions.[18]

The Act stops short of requiring recruiters to be licensed, however. New Brunswick and Newfoundland are the only provinces that do not require licensing.[19] This means that while recruiters who violate the Act could face penalties, they do not necessarily face repercussions in terms of to their ability to continue recruiting.

As the government's consultation paper rightly points out, licensing foreign worker recruiters would strengthen existing protections under the Act by "ensuring that recruiters are qualified, comply with applicable federal and provincial legislation, and are operating in good standing".[20] Of equal importance is the proposal to make information about licensed recruiters—as well as information about any recruiters found to be non-compliant with relevant legislation and regulations—publicly available.

[16] Ibid., p. 9.

[17] Fay Faraday, "Profiting from the Precarious: How recruitment practices exploit migrant workers."

[18] *Employment Standards Act*, Acts and Regulations of New Brunswick, section 38.91.

[19] Department of Post-Secondary Education, Training and Labour, *Strengthening Protections for Foreign Workers: Consultation Paper*, pp. 4-5.

[20] Ibid., p. 6.

Such a licensing regime, with recruiters subject to periodic renewal processes, would increase accountability. It also would equipe employers, workers, and the organizations that support workers with the basic information they need to ensure they engage with qualified and compliant recruiters.

Application-based employer registry

The *Employment Standards Act* also sets out prohibited actions or behaviours for employers of foreign workers and establishes a Registry of Employers of Foreign Workers.[21] While employers of foreign workers must appear on the Registry, they do not undergo any screening or assessment process to qualify. They are only required to provide information about the place and terms of employment.

Introducing application-based screening prior to inclusion on the Registry could help prevent employers who are non-compliant with the Act and other legislation from hiring foreign workers. Additionally, making an application-based Registry publicly available would allow workers and the organizations that support them to verify an employer's compliance status before accepting a contract.

The Council recommends that the application process also require employers to disclose whether they provide accommodations, as well as information relevant to gauging the safety, privacy, and adequacy of those accommodations.[22] This information should be included on the Registry.

Government must ensure that the Registry of Employers of Foreign Workers and recruiter licensing information are easily accessible and worker-centred. This includes making information available in multiple languages and establishing (or enhancing existing) partnerships between the provincial government and community organizations. TFW Maritimes has noted making this information public would "improv[e] the ability of community organizations to offer services to the workers and minimize workers' vulnerability by increasing their visibility in the community."[23]

Further opportunities to strengthen protections

In addition to the proposed amendments, the Council urges government to refine some of the existing exemptions under the *Employment Standards Act* and the *Occupational Health and Safety Act.* While the Council is concerned about these exemptions for all workers, they merit particularly consideration in terms of foreign workers due to their vulnerability.

[21] *Employment Standards Act*, Acts and Regulations of New Brunswick, sections 38.9 and 38.91.

[22] See in addition: R. Bejan, K. Allain, T. Glynn, P. Soto Flores, *Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick*, recommendation 4, p. 53.

[23] Ibid., recommendation 1a, p. 52.

In the *Employment Standards Act*, the Council is concerned with the exemption of some persons employed in a private home by the homeowner or who provide agricultural services to small family farms.[24]

Foreign workers in these settings are only covered by the Act's section on foreign workers; no other provisions of the Act apply to them.

In the *Occupational Health and Safety Act*, the Council is concerned with the exemption of "a private home unless the work that is carried on has been contracted to the employer of one or more persons employed at that private home."[25] The Council is also concerned that regulatory requirements on harassment and violence may not apply to some workplaces with fewer than 20 employees.[26]

These exemptions should be revisited using GBA+ and with the aim of reducing the scope of these exemptions. Pursuing the proposed changes to the *Employment Standards Act* without addressing these exemptions undermines the broader goals of increased transparency and accountability put forward by this consultation.

Summary of recommendations

- Ensure that GBA+ is used in all government work related to foreign workers.
- Proceed with the creation of a recruiter licensing regime and an application-based Registry of Employers of Foreign Workers, both subject to periodic renewal. These should include information on both compliant and non-compliant recruiters and employers. The Registry of Employers should also include information on employer-provided accommodations. Information should be presented in a way that is accessible and worker-centred.
- Reduce the scope of some of the exemptions in the *Employment Standards Act* and the *Occupational Health and Safety Act*.

[24] Government of New Brunswick, "Employment Standards: Exceptions."

[25] WorkSafe NB, "Legislative interpretation: Place of employment – Private home – Responsibilities of Employers."

[26] WorkSafe NB, "Developing Workplace Violence and Harassment Codes of Practice" (2019).